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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,238	03/24/2004	Nobutaka Okuyama	501.43515X00	4523
20457 7590 12/09/2008 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873				
EXAMINER ALAM, MUSHFIK H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/807,238

**Applicant(s)**

OKUYAMA ET AL.

**Examiner**

MUSHFIKH ALAM

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6, 17, 19, 20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 17, 19-20, 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 6, 17, 19-20, 22-25 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 17, 19-20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf (US 6483986) in view of Karaoguz et al. (US 2004/0117836), and further in view of Goode et al. (US 6166730).

Claim 6, Krapf teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a reception device (24) configured to receive a video signal (col. 3, lines 30-41);
- a recording device (2) selectable to effect recording of the video signal received by the reception device (fig. 2; col. 3, lines 47-57);
- an output device configured to output the video signal received by the reception device (col. 3, line 65-col. 4, line 3); and

- an input unit responsive to user manipulation (pause or request to view alternative subject matter data) (col. 4, lines 15-26),
- wherein, based on user manipulation (request for alternative subject matter data) from the input unit, the recording device starts recording the video signal which is received by the reception device after said user manipulation, as a recorded portion and the output device stops outputting the video signal (first content, 12) (col. 4, lines 15-46); and
- the recording device stops recording the video signal (i.e. when program is finished recording or when the watching point coincides with the recording point (col. 5, lines 8-16).

Krapf is silent regarding a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a transmission system selectable to effect transmission of the video signal recorded by the recording device to the external device via a network;
- wherein, in response to a request from the external device, the transmission system transmits, to the external device, both the video signal of the recorded portion recorded by the recording device for enabling watching of the recorded of the recorded portion at the external device, and channel information of the video signal for enabling recording of a further recorded portion of the video signal which is broadcasted after receiving the request and the recording device stops recording the video signal.

Karaoguz teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- a transmission system (communication network) selectable to effect transmission (push to other devices) of the video signal recorded by the recording device to the external device via a network (fig. 1a; paragraph [0096]);
- wherein, in response to a request from the external device (requested by users), the transmission system transmits, to the external device (set top box), both the video signal (digital media) of the recorded portion recorded by the recording device for enabling watching of the recorded of the

recorded portion at the external device (pushing media from one set top box to another), and channel information (bookmarks of Krapf, col. 5, lines 35-42) and the recording device stops recording the video signal (paragraphs [0094], [0096], [0108]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a technique for transferring recordings across a network as taught by Karaoguz to the recordings as recorded in Krapf because it is desirable to be able to distribute many types of digital media in a user-friendly manner.

Goode teaches a transmission and reception apparatus which operates to receive a video signal and transmit it to an external device, comprising:

- channel information (col. 14, lines 38-54) of the video signal for enabling recording of a further recorded portion (saved movies) of the video signal which is broadcasted after receiving the request (bookmark) (col. 19, lines 1-43);
- wherein the further portion (current portion as indicated by bookmark) of the video signal at the external device (second set top terminal) by using the channel information, represents a continuation (previous position) of the portion by the recording device (col. 19, lines 1-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a technique for transmitting bookmarks to receivers on a network as taught by Goode to the recorded portions of media of Krapf and Karaoguz in order to allow users to leave one terminal in the middle of a program and continue watching it from where they left off at a different terminal (col. 19, lines 1-43).

Claim 17, Karaoguz teaches the transmission and reception apparatus wherein the request from the external device is a request to time shift watch (previously recorded program) the video signal recorded by the recording device at the external device (paragraphs [0094], [0096]).

Claim 19 is analyzed as a method of claim 6.

Claim 20 is analyzed as a method of claim 17.

Claim 22, note the discussion of claim 6 above. Karaoguz teaches the external device including:

- a request unit to send the request (user requests) to the transmission and reception apparatus (paragraph [0096]);
- a second reception device configured to receive video signal (recorded portions pushed to particular devices) of the recorded portion and the channel information (data), and to receive the video signal corresponding to the channel information (paragraphs [0096], [0103], [0108]);

Goode teaches

the external device including:

- a second recording device (second set top terminal), responsive to the channel information (positions), for recording (i.e. stores new position of media) of the video signal corresponding to the channel information and received by the reception device, as the further recorded portion (new position) (col. 19, lines 1-43); and
- a second output device configured to output the video signal of the recorded portion and then the further recorded portion (col. 19, lines 1-43).

Claim 23, Goode teaches the transmission and reception apparatus wherein the request from the external device is a request to time shift (continue watching from a previous position) watch the video signal recorded by the recording device, at the external device (col. 19, lines 1-43).

Claim 24 is analyzed as a method of claim 22.

Claim 25 is analyzed as a method of claim 23.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/  
Examiner, Art Unit 2623  
12/7/2008

/Annan Q Shang/  
Primary Examiner, Art Unit 2424



